

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 471 of 2005

Between:

A.V.Nageswaramma, D/o.Late Mastan Reddy, Fair Price Shop Dealer, Veligallu
Village, Galiveedu Mandal, Cuddapah District.

..... PETITIONER

AND

- 1 The Revenue Divisional officer, Cuddapah, Cuddapah District.
- 2 The Mandal Revenue officer, Galiveedu, Galiveedu Mandal, Cuddapah District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in Ref.C/1062/2004, dated 30-12-2004 issued by the 1st respondent as arbitrary, illegal, politically motivated colorable exercise of power, contrary to the procedure contemplated under the provisions of the A.P.State Public Distribution system control order, 2001 and violative of the principles of Natural justice apart from being violative of the Fundamental rights guaranteed to the petitioner under Article 14, 19 (1) (g) and 21 of the Constitution of India and consequently set aside the same.

Counsel for the Petitioner:MR.V.R.REDDY KOVVURI

Counsel for the Respondents 1 and 2 : GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

-

-

Petitioner was appointed as a fair price shop dealer in the year 1988. Through proceedings, dated 30.12.2004, the 1st respondent suspended her authorization. The same is challenged in this writ petition.

Learned counsel for the petitioner submits that ever since her appointment in the year 1988, petitioner has been functioning as dealer without any complaints, and the impugned order was passed only on account of political pressure exerted upon the 2nd respondent. He contends that the allegations against the petitioner are general, vague and trivial in nature and it cannot constitute the basis for suspension, that too without issuing any notice. He also submits that having regard to the triviality of the allegations, petitioner cannot be required to undergo the ordeal of appeal.

Learned Government Pleader for Civil Supplies submits that the writ petition is not maintainable when an alternative remedy of appeal is provided.

It is true that an appeal is provided, against the order of suspension. However, a perusal of the impugned order discloses that the allegations against the petitioner are very trivial, vague and general in nature. No allegation that the petitioner has diverted the essential commodities to black market is made nor any specific instances of collection of higher prices etc., are stated. A stronger ground is needed to suspend the authorization of a dealer, who has been functioning for the past one and half decades. The 1st respondent could have called for explanation from the petitioner before disabling her from functioning. Any further discussion is likely to have its impact on the merits of the matter.

For the foregoing reasons, the impugned order is set aside, leaving it open to the 1st

respondent to issue notice to the petitioner, and pass appropriate orders on consideration of the explanation, that may be offered by the petitioner.

Accordingly, the writ petition is allowed. There shall be no order as to costs.

(L.NARASIMHA REDDY,J)

Date: 24-01-2005

Note: Office to issue c.c.

in three days.

(B/o.)

Ts

To

- 1 The Revenue Divisional officer, Cuddapah, Cuddapah District.
- 2 The Mandal Revenue officer, Galiveedu, Galiveedu Mandal, Cuddapah District.
3. 2CCs to the Government Pleader for Civil Supplies, High Court of A.P., Hyderabad. (OUT)
4. 2CD copies

